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Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Aeronet Petitions for Rulemaking, RM-11824 and RM-11825
Written Ex Parte Presentation

Dear Ms. Dortch:

The Sierra Nevada Corporation ("SNC") hereby replies to recent filings made by Aeronet Global Communications Inc. ("Aeronet") in the above-captioned proceedings.^{1/}

Aeronet has submitted a study by Comsearch (the "Comsearch Study") that analyzes the potential compatibility of Aeronet's proposed system with the incumbent fixed link service.^{2/} SNC appreciates Aeronet's efforts to clarify specific plans for its intended operations and to provide additional transparency. SNC writes to note that the Comsearch Study does not address the concerns that SNC has raised in these proceedings.

SNC submitted comments on Aeronet's Petitions for Rulemaking due to concerns about the potential effect of Aeronet's proposed rule changes on the operations of 90 GHz Enhanced Flight Vision Systems ("EFVS") radar.^{3/} The Fixed Services rules for the E Band, which require registration of links to assure co-existence with Federal and other microwave users, does not assure co-existence with very different types of users such as EFVS radar. In fact, Aeronet recognized that "SNC has identified unique equities that may merit caution in the 90 GHz Band."^{4/}

^{1/} Aeronet Global Communications Inc.'s Petition for Rulemaking to Amend the Commission's Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands to Authorize Aviation Scheduled Dynamic Datalinks, RM-11824 (filed Feb. 6, 2019); Aeronet Global Communications Inc.'s Petition for Rulemaking to Amend the Commission's Allocations and Service Rules for the 71-76 GHz, 81-86 GHz, and 92-95 GHz Bands to Authorize Maritime Scheduled Dynamic Datalinks, RM-11825 (filed Feb. 6, 2019) ("Aeronet Petitions").

^{2/} Letter from Samuel L. Feder, Counsel for Aeronet Global Communications Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-11824, RM-11825 (filed May 10, 2019) ("Aeronet Ex Parte").

^{3/} Comments of Sierra Nevada Corporation, RM-11824, RM-11825 (filed March 11, 2019). The Commission plans to issue soon a Notice of Proposed Rulemaking setting out rules for 90 GHz EFVS. See *Amendment of the Commission's Rules to Promote Aviation Safety*, Draft Notice of Proposed Rulemaking, WT Docket No. 19-140, FCC-CIRC1903 (rel. May 16, 2019).

^{4/} Aeronet Consolidated Reply, RM-11824, RM-11825 at n.40 (filed March 26, 2019) ("Aeronet Reply").

The Comsearch Study is not applicable to SNC's objections in that it does not address use of the 90 GHz frequency band and does not look at the impact of Aeronet's operations on users other than those protected by the Part 101 Link Registration System.^{5/} Therefore, the conclusions regarding coordination and interference potential are not applicable to SNC's stated concerns. In fact, one of the mitigating factors pointed out by Comsearch – the use of upward facing antennas by Aeronet ground stations – could be an aggravating feature for the downward facing EFVS radar.^{6/} For these reasons, SNC does not agree with the statement that Aeronet seeks only "minor amendments" to the rules, or with Aeronet's conclusion that "any interference concerns are fully addressed by the existing E-Band rules."^{7/} These statements are not applicable to the operations of 90 GHz EFVS radar.

Nonetheless, SNC appreciates Aeronet's offer to work constructively with other users of the E Band, including its suggestion that the FCC defer action on the 90 GHz Band until Aeronet and SNC can explore mitigation and resolution scenarios, in recognition of the uniqueness of EFVS radar.^{8/} SNC will engage with Aeronet to try to work towards a solution regarding use of the 90 GHz Band, and asks that the Commission defer action as Aeronet suggests.

Please direct any questions to the undersigned.

Sincerely,

/s/ Laura A. Stefani

Laura A. Stefani

Counsel to Sierra Nevada Corporation

^{5/} To register a microwave link, a fixed services licensee must provide a showing that the new link will not cause harmful interference to a registered link. See Aeronet Ex Partes at p. 7 of Comsearch Study. The registration systems also "interact[] with an NTIA system designed to protect federal systems and radio astronomy receivers." *Id.*

^{6/} Aeronet Ex Partes at p. 4 of Comsearch Study.

^{7/} Aeronet Ex Partes at 1.

^{8/} Aeronet Reply at n.40.